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Ministries, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

REBECCA MCNEIL,) Cause No. CV-21-34-BU-BMM-JTJ
)
Plaintiff,)
)
vs.) NOTICE OF REMOVAL
) UNDER 28 U.S.C. § 1441(b)
CHRISTIAN HEALTHCARE) (DIVERSITY) CLERK'S
MINISTRIES, INC., and) <u>ACTION REQUIRED</u>
JOHN DOES 1-5,)
)
Defendant.)
)

TO: THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MONTANA, BUTTE DIVISION

Please take notice that Defendant Christian Healthcare Ministries, Inc.

("Defendant") hereby removes to this Court the state court action described below
under 28 U.S.C. § 1441(b) on the grounds of diversity jurisdiction.

1. This is a Notice of Removal Based on Diversity of Citizenship for an Action Pending in the Montana Eighteenth Judicial District Court, Gallatin County.

Defendant is the defendant in a civil action filed in the Montana Eighteenth Judicial District, Gallatin County, styled *Rebecca McNeil v. Christian Healthcare Ministries, Inc., and John Does 1-5*, Cause No. DV-21-226A (the “State Court Action”). A copy of the Complaint and Jury Demand (“Complaint”) is attached as

Exhibit A.

2. The First Defendant to be Served, Defendant Chubb Services Corporation, Received the Complaint and Summons on April 23, 2019.

Plaintiff Rebecca McNeil (“Plaintiff”) served Defendant with the Summons and Complaint by personal service on March 30, 2021.

Removal is thus timely under 28 U.S.C. § 1446(b) because fewer than 30 days have passed since Defendant received the Summons and Complaint.

3. The State Court Action Concerns an Amount in Controversy in Excess of \$75,000.00, and Involves a Plaintiff and Defendant of Diverse Citizenship.

The State Court Action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1332, and is one which may be removed to this Court by Defendant pursuant to 28 U.S.C. § 1441(b) because it is a civil action between citizens of different states and the matter in controversy exceeds the sum

of \$75,000, exclusive of interest and costs.

A. Defendant Has a Good Faith Basis to Believe that the Amount in Controversy Exceeds \$75,000.00, Exclusive of Interest and Costs.

In this action, Plaintiff has brought claims for breach of contract and insurance fad baith. Plaintiff has alleged entitlement to special, general, compensatory, and punitive damages. Defendant understands Plaintiff's claimed medical expenses alone allegedly exceed \$240,000. Plaintiff has also made a claim for attorney's fees.

Based on the nature of the Complaint, Defendant's understanding of the damages asserted by Plaintiff against Defendant in this action, Defendant has a good faith basis for its belief this case meets the amount in controversy requirement of 28 U.S.C. § 1332(a).

B. Plaintiff is a Citizen of Montana, Whereas Defendant is a Citizen of Ohio.

Defendant is informed and believes that Plaintiff is a citizen of Montana. See **Exhibit A**, State Court Action Complaint, ¶ 1. Defendant is incorporated in Ohio and its principal place of business is Barberton, Ohio. Plaintiff and Defendant in this case are therefore citizens of different states. All diversity requirements for removal are met.

/ / /

4. Defendant Will Notify the State Court of this Removal.

Pursuant to 28 U.S.C. § 446(d) and L.R. 3.3(a), within seven (7) days after filing its Notice of Removal with this Court, Defendant will promptly file a copy of its Notice of Removal in the State Court Action.

5. Venue in This Court Is Proper According to Plaintiff's Complaint.

Removal to this Court, Butte, is proper because the State Court Action was filed in this Court's district in the County of Gallatin. See 28 U.S.C. § 1441(a); L.R. 1.2(c)(5).

Based on the foregoing, Defendant respectfully remove to this Court the State Court Action.

DATED this 19th day of April, 2021.

BERG LILLY, PC

By /s/ Elizabeth W. Lund
ELIZABETH W. LUND
Attorneys for Christian Healthcare
Ministries, Inc.

CERTIFICATE OF SERVICE

I hereby certify that, on the 19th day of April, 2021 a copy of the foregoing document was served on the following persons by the following means:

1, 2 CM/ECF

 Hand Delivery

2 Mail

 Overnight Delivery Service

 Fax

 E-Mail

- 1) Clerk, U.S. District Court
- 2) Oliver F. Wood
Domenic A. Cossi
Western Justice Associates, PLLC
303 West Mendenhall
Bozeman, MT 59715

/s/ Elizabeth W. Lund

Elizabeth W. Lund